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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/664,419

09/16/2003

Babak Rezvani

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06/20/2006

POLLACK, P.C.

THE CHRYSLER BUILDING

132 EAST 43RD STREET, SUITE 760

NEW YORK, NY 10017

EXAMINER

KIANERSI, MITRA

ART UNIT

PAPER NUMBER

2145

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/664,419

Applicant(s)

REZVANI ET AL.

Examiner

Mitra Kianersi

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2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Reed et al. US. Patent No. 6,088,717)

1. As for claim 1, a method for transferring data from a data source to a service broker. (this structure originates at the provider computer and is transferred to the consumer computer. Col 18, lines 10-12) comprising the steps of:

- providing a data source and a service broker; (the software provided by these services or companies can include capabilities such as automatic logons, automatic navigation of the online system according to consumer preferences, file searches, uploading and downloading data, and storage of data. Col 4, lines 48-52)
- providing a moderator for receiving the data transferred by the data source; (all messages pass through one or more moderators authorized to select those that will be passed on to the full list. Col 133, lines 50-52)
- providing a data store for storing data received by the moderator; this message object 110 contains the identification data for the requested fax documents (which could be the UIDs of the fax documents if they are stored as elements 143 on the fax partner server 1302). Col 135, lines 1-6)
- providing a communications module for transferring data from the data store; (at best part of a limited number of modules within the application. Col 79, lines 15-16)
- transferring data from the data source to the moderator; (the second mode is moderated", in which list subscribers can reply to messages or submit new messages, but all

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messages pass through one or more moderators authorized to select those that will be passed on to the full list. Col 133, lines 50-52)

- storing the data received by the moderator in the data store;

- adaptively determining a polling frequency; (polling frequency may be determined by which notification elements a consumer has activated. Col 60, lines 51-53)

- polling the communications module for the data on the data store and forwarding the polled data to the service broker, whereby data is transferred between the data source and the service broker. (a forwarding method 141 allows the user of one consumer program 22 to transmit another provider's communications object via the push technique to another consumer program 22. Col 82, lines 53-56)

2. As per claim 2, the method further comprising providing a virtual representation of the service broker on the data source; and wherein the data sent is related to or associated with the virtual representation; and further comprising the step of updating the virtual representation when the service broker receives the data sent by the data source. (When the contact information changes for an entity, all providers or consumers having relationships with the entity must be notified of the changes, which in turn must update their own records. Col 1, lines 46-50)

3. As per claim 3, the method wherein the data transferred from the data source to the service broker is performed via the HTTP protocol. (a direct transmission protocol such as HTTP). Col 97, line 17)

4. As per claim 4, the method wherein the data transferred from moderator to the service broker is performed via the HTTP protocol. (a direct transmission protocol such as HTTP). Col 97, line 17)

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5. As per claim 5, the method wherein the data is transferred using name/value pairs. (where it is more efficient, service objects can be split into provider/consumer "pairs", each containing a link component object 110 linking it to the other. Col 95, lines 63-65)
6. As per claim 6, the method wherein the data is a command for changing the state of the service brokers and wherein the virtual representation is updated when the state of the service broker is changed. When the contact information changes for an entity, all providers or consumers having relationships with the entity must be notified of the changes, who in turn must update their own records. Col 1, lines 46-50)
7. As per claim 7, the method wherein the data store is a queue of commands. (the event 116 class is an abstract class defining the attributes for scheduled events 117 and logged events 118. The scheduled event 117 class is used to create a queue of events for the provider program 12 or consumer program 22 to execute at some time in the future. Col 23, lines 45-49)
8. As per claim 8, the method wherein the data transferred from the data store to the service broker is initiated by the service broker. (to operate as active object databases, capable of initiating communications, database processing, or other procedures based on time, system variables, system events, or other conditions. Col 21, lines 41-44)
9. As per claim 9, the method wherein at least one device is connected to the service broker and wherein the command is received by the service broker and forwarded to the at least one connected device. (The second consumer computer can obtain updated information from the provider computer or have it forwarded by the first consumer computer. Col 9, lines 27-29)
10. As per claim 10, the method wherein the polling frequency is adaptively selected, at least in part, based upon the performance overhead of the system. (Polling frequency

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may be determined by which notification elements a consumer has activated. Col 60, lines 51-53)

11. As per claim 11, the method, wherein the polling frequency is adaptively selected, at least in part, based upon monitored conditions. (polling frequency may be determined by which notification elements a consumer has activated. Col 60, lines 51-53)

12. As per claim 12, the method wherein the polling frequency is adaptively selected, at least in part, based upon a set of criteria that are used in an algorithm to determine the polling frequency. (polling frequency may be determined by which notification elements a consumer has activated. Col 60, lines 51-53)

-the pattern or amount of queued data, the closeness of the sender to the source of the transactions, the usage patterns of the client, and the daily usage' patterns of the client. the event 116 class is an abstract class defining the attributes for scheduled events 117 and logged events 118. The scheduled event 117 classes is used to create a queue of events for the provider program 12 or consumer program 22 to execute at some time in the future. Col 23, lines 45-49)

13. As per claim 13, the method wherein the algorithm is a statistical averaging algorithm. (as in many database management systems, reports may be defined by the system or by the user, and can include any listings, statistics, or analysis of value to the user. Col 23, lines 34-37)

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### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Kianersi whose telephone number is (571) 272-3915. The examiner can normally be reached on 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cordone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mitra Kianersi  
June/15/2006

  
JASON CARDONE  
SUPERVISORY PATENT EXAMINER